The Facebook, Inc. v. Connectu, LLC et al
Doc. 245 Att. 2

EXHIBIT B

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THE FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA,

Defendants.

Case No. 5:07-CV-01389-RS

FACEBOOK, INC.'S FIRST SET OF INTERROGATORIES TO DEFENDANTS CONNECTU, PACIFIC NORTHWEST SOFTWARE, WAYNE CHANG, AND WINSTON WILLIAMS

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, FACEBOOK, Inc. hereby requests that Defendants ConnectU, Pacific Northwest Software, Wayne Chang, and Winston Williams respond in writing to this First Set of Interrogatories within the time required by Rule 33 by delivering such written response to the offices of Orrick, Herrington & Sutcliffe LLP, 1000 March Road, Menlo Park, California 94025.

INSTRUCTIONS AND DEFINITIONS

1. "FACEBOOK" means, without limitation, the plaintiff Facebook, Inc., fka TheFacebook, Inc., and the world-wide-website operated by the company, www.facebook.com fka www.thefacebook.com, and, where appropriate, its past and present parents, subsidiaries, affiliates, predecessors, successors, divisions, officers, directors, trustees, employees, investigators, staff members, attorneys, representatives, consultants, agents and all other persons and entities acting or purporting to act on its behalf, including Plaintiff Mark Zuckerberg, Christopher Hughes, Dustin Moskovitz, Andrew McCollum, and Eduardo Saverin.

2. "FACEBOOK USERS" means the individual registered subscribers to the FACEBOOK service.

3. USER ACCOUNTS means the email addresses and, account information associated therewith, identified in iMarc000622-625, C003951-003952, C007512-7516, C010359 (and the "set" referenced therein), GUCWA0056-63, GUCWA0075-78, and any other email addresses used by CONNECTU from registered third parties (*e.g.*, mjhall@fas.harvard.edu, lbowman@wellesley.edu) or created by CONNECTU (*e.g.*, god@harvard.edu).

4. "CONNECTU," "YOU" or "YOUR" (or any derivative thereof) means defendant ConnectU, Inc. fka ConnectU LLC, its directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees, investigators, attorneys, members, managers and all other persons and entities representing it or acting on its behalf, or purporting to act on its behalf, including but not limited to Cameron Winklevoss, Tyler Winklevoss, Howard Winklevoss, Divya Narendra, Maria Antonelli, iMarc LLC, David Gucwa, Wayne Chang, Winston Williams, Joel Voss, Victor Gao, Sanjay Mavinkurve, and/or Deva Mishra. It is acknowledged that the issue of whether HARVARD CONNECTION is a predecessor in interest

to CONNECTU may be disputed.

5. "DEFENDANT" means the above-captioned defendants in this action: ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss, Divya Narendra, Wayne Chang, Pacific Northwest Software, Winston Williams, and David Gucwa.

6. "ANY" shall be understood to include and encompass all. As used herein, the singular shall always include the plural and the present tense also shall include the past tense. The words "and" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request all documents or things that might otherwise be construed to be outside its scope.

7. "PACIFIC NORTHWEST SOFTWARE" means defendant Pacific Northwest Software, Inc., its directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees, investigators, attorneys, members, managers, contract employees, contract programmers and all other persons and entities representing it or acting on its behalf, or purporting to act on its behalf, including Defendants David Gucwa, Wayne Chang, and Winston Williams, as well as John Taves and Joel Voss.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify all FACEBOOK USER ACCOUNTS and passwords used for or on behalf of CONNECTU by any DEFENDANT to access the FACEBOOK website and collect, download or otherwise copy email addresses from the FACEBOOK website. "Identify," as used in this interrogatory, means include, without limitation, a list of all FACEBOOK USER ACCOUNTS YOU used, identification of all documents and communications that summarize, describe or refer to the activities related to any USER ACCOUNTS, and all electronic storage devices where such USER ACCOUNTS were maintained and/or stored.

INTERROGATORY NO. 2:

For each FACEBOOK USER ACCOUNT and password identified by you in response to Interrogatory No. 1, identify who registered on behalf of CONNECTU or provided the log-in credentials and password for use by or on behalf of CONNECTU (*i.e.*, "Mark Hall for mjhall@fas.harvard.edu and the password 'hallmark'" or "Cameron Winklevoss registered a Facebook account under the address god@harvard.edu with the password 'cameron' for use by ConnectU"), and everyone at CONNECTU to whom the log-in credentials and passwords were given (*i.e.,* "Cameron Winklevoss received the log-in email address mjhall@fas.harvard.edu from Mark Hall along with the password 'hallmark,' which address and password were then also given to Tyler Winklevoss, Divya Narendra, Wayne Chang, Winston Williams and David Gucwa to use on behalf of ConnectU").

INTERROGATORY NO. 3:

Identify the number of emails sent by or on behalf of CONNECTU to any FACEBOOK USER using either a false email address, or an email address in which the message was generated by CONNECTU, in order to invite FACEBOOK USERS to join CONNECTU, as well as the identities of all such email addresses used to invite FACEBOOK USERS to join CONNECTU (*i.e.* "7,000,000 emails were sent to FACEBOOK USERS by or on behalf of ConnectU, using the following email addresses: god@harvard.edu, jstarr@georgetown.edu, jstarr@amherst.edu, jastarr@dartmouth.edu, mjhall@fas.harvard.edu, etc."). "Identify" in this interrogatory means include the number of emails sent, a list of the senders of each email, a list of the owner of each sender's email address, and the location (including IP address and URL) of all servers on which such emails are or were sent and/or stored.

Dated: November 7, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

Theresa A. Sutton
Attorneys for Plaintiffs
THE FACEBOOK, INC. and MARK ZUCKERBERG

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. On November 7, 2007, I served the within document(s):

1. **FACEBOOK, INC.'S FIRST SET OF INTERROGATORIES TO DEFENDANTS CONNECTU, PACIFIC NORTHWEST SOFTWARE, WAYNE CHANG, AND WINSTON WILLIAMS**

☒	By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below before 5:00 p.m. on November 7, 2007.
☒	By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Menlo Park, California addressed as set forth below on November 7, 2007.
☐	By causing personal delivery by WESTERN MESSENGER of the document(s) listed above to the person(s) at the address(es) set forth below.
☐	By personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
☐	By placing a true and correct copy of the document(s) in a Federal Express envelope addressed as set forth below and then sealing the envelope, affixing a pre-paid Federal Express air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.

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ATTORNEYS FOR DEFENDANT DAVID GUCWA

I am readily familiar with my firm's practice for collection and processing correspondence for mailing in the United States Postal Service, to wit, that correspondence be deposited with the United States Postal Service this same day in the ordinary course of business.

Executed on November 7, 2007, at Menlo Park, California. I declare under penalty of perjury that the foregoing is true and correct.

Abby Ako Nai